

## REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested.

### **Election**

Claims 1-52 are pending. Claims 1-6, 8-33 and 36-45 are withdrawn from consideration. Claims 7, 34-35 and 46-52 stand rejected.

### ***Claim rejections – 35 USC 112***

The various informalities noted by the Examiner have been corrected.

### ***Claim rejections – 35 USC 102***

The prior art rejections are respectfully traversed. The claims, as amended, are believed to patentably define over the references of record, taken singly or in any combination.

Contrary to the Examiner's view, the Gerritsen ('682) and Jannson ('754) references say nothing about a photonic crystal. The Gerritsen ('682) reference refers to a one-dimensional lattice of variable DOE. The Jannson ('754) reference shows a one-dimensional lattice relief.

Both of these reference arrangements are different from our claimed combinations including photonic crystals (see our claims 7, 34, 53 and 54). A photonic crystal has usually a two-dimensional or three-dimensional lattice. Such is NOT disclosed in the references.

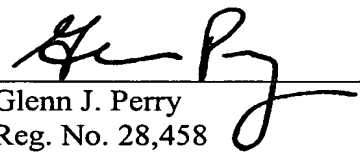
***Claim rejections – 35 USC 103***

The section 103 rejections are also respectfully traversed. The claims, as amended, are believed to patentably define over the references of record, taken singly or in any combination.

The Examiner asserts that it would have been obvious to replace the polymer taught in the Sutherland ('157) reference by a photonic crystal. However, such an assertion is unreasonable. "Polymer" refers to a type of material whereas the "photonic crystal" specifies a structure of a material, dissimilar concepts, not suggesting substitution.

All outstanding matters having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,  
Pillsbury Winthrop, LLP

By:   
Glenn J. Perry  
Reg. No. 28,458  
Telephone: (703) 905-2161  
Direct Fax: (703) 738-2277

Pillsbury Winthrop, LLP  
1600 Tysons Boulevard  
McLean, Virginia 22102

Switchboard: (703) 905-2000  
Office fax: 703-905-2500